(b) the number of companies classified as above whose audited profit and loss accounts and the Balance Sheets have been received by Department of Company Affairs; and

(c) what action is contemplated in cases of failure of submission of such accounts?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) As on 31st March, 1992, a number of 2,50,397 Joint Stock Companies Limited by shares were at work comprising 29,614 Public Limited and 2,20,783 Private Limited Companies.

(b) The audited Balance Sheet and Profit and Loss accounts in respect of 1,39,211 Companies have been received by the Department. The Balance Sheets and profit and loss accounts of 41546 companies will become due in October-1992.

(c) Failure of submission of such accounts will attract prosecution of defaulting companies under the provisions of Section 220 of the Companies Act, 1956.

अखिल भारतीय न्यायिक सेवा का सृजन

1831. **श्री सत्य प्रकाश मालवीय** : क्या विधि न्याय और कंपनी कार्य मंत्री 3 सितम्बर, 1991 को राज्य सभा में अतारांकित प्रश्न संख्या 307 के दिए गए उत्तर को देखेंगे और यह बताने की कृपा करेंगे कि :

(क) 13 नवम्बर, 1991 को उच्चतम न्यायालय द्वारा दिए गए निर्णय को ध्यान में रखते हुए क्या अखिल भारतीय न्यायिक सेवा बनाए जाने संबंधी प्रस्ताव पर विचार किया गया है ; और

(ख) इस संबंध में कब तक निर्णय लिए जाने की संभावना है ?

विधि, न्याय और कंपनी कार्य मंत्रालय में राज्य मंत्री (श्री हंसराज भारद्वाज) : (क) जी, हां ।

(ख) इस विषय पर सक्रिय रूप से विचार किया जा रहा है । किंतु यह बताना कठिन है कि इस विषय में कब तक अंतिम रूप से विनिश्चिय कर लिया जाएगा ।

Decisions taken by MRTP Commission

1832. SHRI SANTOSH KUMAR SAHU:

SHRI RAJNI RANJAN SAHU:

SHRIMATI SATYA BAHIN:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what is the gist of major decisions taken between 1981—90 by the MRTP Commission as result of which the Public was benefitted;

(b) whether it is a fact that in most of the cases companies were let off with a warning or with a cease and desist order;

(c) if so, what are the details of such cases detected during last three years, year-wise;

(d) what is the average expenditure on MRTP Commission incurred per annum;

(e) whether it is a fact that most of the provisions of the MRTP Act relating to restrictive, monopolistic and unfair trade practices are unrealistic and that profits and costs have not been defined in the Act; and

(f) if so, what action Government propose to take in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (c) Under the MRTP Act, the Commission is empowered to inquire into Monopolistic, Restrictive and Unfair Trade Practices as defined in section 2(i), 2(o) and 36A of the Act respectively. During the period from 1981 to 1990, the Commission in discharge of its functions has initiated and disposed of

the following number of enquiries, com pensation applications and injunction applications:—

	Instituted	Disposed of
Unfair Trade Practices inquiries	1722	1145
Restrictive Trade Practices inquiries	3054	2430
Compensation applications	11945	4851
Injuction applications	521	425

The number of cases being very large, the time and effort involved in the compilation of details in each case will not be commensurate with the purpose sought to be achieved. The details of inquiries disposed of are, however, published in the Annual Reports on the working of the MRTP Act, 1969 which are laid on the Table of the House.

(d) The annual revenue expenditure incurred by the Commission on its functioning during the year 1991-92 was Rs. 71 lakhs.

(e) and (f) While profits and costs as such have been not defined in the MRTP *Act, the Commssion examines the issues* of profits and costs to the extent they have a bearing in deciding the matters coming up before it and takes realistic and logical view in the matter.

Comprehensive review of anti-defection law

1833. SHRI SATISH PRADHAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government is undertaking a comprehensive review of the anti-defection law;

(b) if so, what are the details thereof and reasons therefor;

(c) what is the present status of the proposal and steps proposed to be taken to avoid the clash between judiciary and legislature; and

(d) whether it is a fact that anti-defection law has encouraged defection on a big scale legalising wholesale defections?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (c) The Government is examining the question of making suitable amendments to the anti-defection law as contained in the Tenth Schedule to the Constitution in order to avoid the posibility of confrontation between the legislature and the judiciary The observations of the Supreme Court in their recent judgement upholding the validity of the Tenth Schedule to the Constitution except para 7 thereof and the views expressed by the Presiding Officers' Conference in their meeting held on 11th February, 1992 and the views expressed in the meeting of the Speaker with the laaders of parliamentary parties and groups in Lok Sabha held on 5th February, 1992 are being taken into account for the purpose. In this connection a proposal to provide for an appellate authority is also under consideration. The details are being worked out.

(d) No, Sir.

Appointment of typists in the office of District Judge, Delhi

1834. SHRI SARADA MOHANTY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that a good number of vacancies of typists, clerks